

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

---

NEW ENGLAND CENTRAL  
RAILROAD, INC.,

Plaintiff,

-v.-

Civil Action No. 04-30235-MAP

SPRINGFIELD TERMINAL  
RAILWAY COMPANY, et al.,

Defendants.

---

**DECLARATION OF ROGER BERGERON  
IN SUPPORT OF DEFENDANTS' UNOPPOSED MOTION FOR  
PERMISSION TO DESIGNATE EXPERT WITNESS  
OUT OF TIME**

Roger Bergeron declares as follows:

1. I am employed by the defendants in this action, Springfield Terminal Railway Company and Boston and Maine Corporation ("ST/BM"), as Vice-President of Special Projects. I make this declaration in support of ST/BM's unopposed motion for permission to designate expert witness out of time.

2. I have been employed by ST/BM and their predecessor corporations for 36 years. My positions during that period have included trackman in the late 1960's, engineering surveyor and a construction inspector in the early 1970's, resident engineer in the mid-1970's, a track supervisor from the late 1970's to early 1980's, a roadmaster and engineer of track in the mid-1980's, an engineer of production and construction until 1996, then assistant vice-president of engineering until 2006.

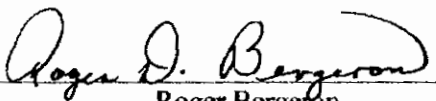
3. My current position includes responsibility for industrial development of railroad properties, track construction and design projects, preparing estimates for permitting commuter rail service on certain portions of B&M/ST's track, and continuing my responsibilities for overseeing track maintenance and construction. In that capacity I am qualified under Section 213.7 of the Federal Railroad Administration regulations regarding track safety generally and regarding track inspection, renewal, and replacement in particular.

4. My duties as an employee of ST/BM do not regularly involve giving expert testimony. In fact, I have only testified once previously as an expert, in or about 1983 in a case involving a personal injury on the Delaware and Hudson Railroad. The substance of my testimony was to inspect and evaluate track conditions in the area where accident allegedly occurred.

5. I investigated the July 3, 2004 derailment on behalf of ST/BM.

6. I previously have been designated as a non-expert witness in this action, and have had my deposition taken in connection with that designation.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed February 16, 2007.

  
Roger Bergeron